IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 16TH MARCH 2007 / 25TH PHALGUNA 1928

WP(C).No. 7774 of 2004(A)

AGAINST THE ORDER IN OS 117/2002 IN
IA.1652/2003 of M.C.,PARAPPANANGADI
.....

PETITIONERS:
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1. KUZHIKATTIL MOIDEEN @ BAPPU,
S/O. K.MUHAMMED MUSLIAR, RESIDING AT
KUZHIKATTIL HOUSE, P.O. CHETTIPPADI,
PARAPPANANGADI AMSOM, DESOM, MALAPPURAM DISTRICT.

2. ABDUL AZEEZ S/O. MUCHIKUTTATHIL
MOHAMMED, RESIDING AT MUCHIKUTTATHIL HOUSE,
P.O. CHETTIPPADI, IN DO.DO.

3. ABOOBACKER S/O. MUCHIKUTATHIL SULAIMAN,
RESIDING AT MUCHIKUTTATHIL HOUSE,
P.O.CHETTIPPADIM IN DO.DO.

BY ADV. SRI.S.V.BALAKRISHNA IYER
SRI.HARISH R. MENON

RESPONDENTS:
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1. THE DISTRICT COLLECTOR, MALAPPURAM
COLLECTORATE, MALAPPURAM.

2. THE PARENTS AND TEACHERS ASSOCIATION,
GOVT.MAPILA LOWER PRIMARY SCHOOL, ANGADI,
P.O. CHETTIPADI, REPRESENTED BY ITS PRESIDENT

3. THE PARENTS AND TEACHERS ASSOCIATION,
GOVT. MAPILA LOWER PRIMARY SCHOOL, ANGADI,
P.O.CHETTIPADI, REPRESENTED BY ITS SECRETARY.

BY GOVERNMENT PLEADER SRI. BASANT BALAJI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 16/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 7774/2004 A

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE COUNTER STATEMENT DT. 19/07/2003 IN IA NO. 1006/2003 FILED BY THE R3.

EXT.P2. COPY OF THE AFFIDAVIT DT. 18/09/2003 FILED BY THE PETITIONERS IN SUPPORT OF IA NO. 1652/2003 IN OS NO. 117/2002 ON THE FILE OF THE MUNSIFF COURT, PARAPPANANGADI.

EXT.P3. COPY OF THE ORDER DT. 5/2/2004 BY LEARNED MUNSIFF OF PARAPPANANGADI IN IA NO. 1652/2003 IN OS NO. 117/2002.

EX.T.P4. COPY OF THE ORDER DT. 5/2/2004 BY THE LEARNED MUNSIFF OF PARAPPANANGADI IN IA NO. 1653/2003 IN OS NO. 117/2002.

True copy

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KURIAN JOSEPH, J.

W.P(C)No.7774 of 2004

Dated this the 16th day of March, 2007

JUDGMENT

Petitioners are aggrieved by Ext.P3 order in I.A.No.1652/2003 in O.S.No.117/2002 on the file of the Munsiff Court, Parappanangadi and consequential Ext.P4 order. The issue pertains to the steps taken by the petitioners for impleading the additional 4th respondent in the party array in the light of the objection raised by the 3rd defendant. The application was rejected on the ground of bar under Section 249 of the Kerala Panchayat Raj Act. Learned counsel for the petitioners submits that due notice had already been issued to the Panchayat on 4-7-2003. Therefore, there cannot be any bar. I quash Ext.P3. I.A.No.1652/2003 in O.S.No.117/2002 shall stand allowed. Ext.P4 order is also quashed. I.A.No.1653/2003 for impleadment will also stand allowed. There will be a direction to the Munsiff Court, Parappanangadi to dispose of the suit within a period of six months from the date of receipt of a copy of this judgment.

The writ petition is disposed of as above.

(KURIAN JOSEPH, JUDGE)

ahg.